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Democracy in an Age of Secrecy

Without Access to Vital Intelligence, Can the People Decide?

By DAVE DURENBERGER

The air raid on Libya highlights a historic change in the circumstances under which the United States commits its armed forces to combat.

In the past, wars typically began in response to military assaults such as the German blitzkrieg against Poland, the Japanese attack on Pearl Harbor or the North Korean invasion of South Korea. These events were unambiguous, tangible and visible to all.

But times have changed. A few days ago we initiated major military operations against Libya in response to intelligence reports available only to a restricted number of government officials. Similarly, our current politico-military campaign against Nicaragua's Sandinista regime began in response to intelligence concerning its support for Marxist insurgencies elsewhere in Central America. In 1962 we went to the brink of war with the Soviet Union on the basis of intelligence reports concerning Soviet missiles in Cuba.

This reliance on the arcane and shadowy business of intelligence as the trigger for the use of U.S. military power has paralleled broader changes in the nature of international conflict. Traditional distinctions between war and peace have been superseded by the ambiguities of the cold war and the nether world of state-backed terrorism. Nations no longer declare war—to do so would be to forgo the advantages of surprise and reduce policy options.

The United States has justified its bombing of Libyan targets by referring to Col. Moammar Kadafi's history of support of terrorism. More specifically, President Reagan cited Libyan culpability for the bombing of a Berlin discotheque frequented by Americans, and Libyan plans to mount other such operations worldwide. The fact of the Berlin bombing was, of course, undeniable. However, the "irrefutable evidence" of Libyan responsibility for this and other planned attacks rested entirely on intelligence reports. The public and the press have no independent means of confirming the accuracy of those reports or whether they were subject to other interpretations.

All that is certain is that the President has taken a considerable political risk in premising a dramatic policy initiative on information that he could not fully reveal publicly.

The issue, in my mind, is not whether the President was justified in taking the action that he did. I have seen the reports, and I am personally satisfied that the intelligence is exactly as he has described it.

The real issue is that U.S. foreign and security policy is increasingly dependent on intelligence that must, by nature, remain secret.

The lifeblood of a democracy is the free flow of information and the public discussion of policy options based on that knowledge. But intelligence involves information that, if revealed, will jeopardize the sources that produced it. The dilemma is made more acute because our reliance on intelligence will grow as the world becomes more dangerous and international conflict is increasingly waged by proxy and stealth.

How can we square the circle? How can we both protect democratic processes and make effective use of intelligence? The answer is not to be found in further tinkering with legislation. Nor, I hope, is it to be found in attempts to bolster the credibility of decision-makers by selectively disclosing intelligence information to the public.

What is required, in the first instance, is a renewed sense of trust in our elected leaders. Democracy thrives on a healthy skepticism toward political power, but not a corrosive cynicism concerning the integrity and motivations of the White House and Congress where national security is concerned. At some point our leaders must be trusted.

Second, a resourceful press and electronic media have a crucial role in keeping officials honest. Deception or misrepresentation on major issues will not long survive the scrutiny of the fourth estate.

Over the last 10 years this country has taken a major step toward building public trust by substantially strengthening the process of congressional oversight through the intelligence committees of the House and Senate. Time and again these committees have demonstrated their ability to ensure that intelligence agencies and Congress work together in the public interest. These committees are the guarantors to the American people that the assets and capabilities of the intelligence community are not being misused.

Effective oversight does not mean congressional attempts to interfere in the day-to-day conduct of intelligence. It does mean that the broad management strategies that govern the intelligence agencies, the performance of those agencies over time, and major intelligence operations must survive the scrutiny of a select group of the nation's elected political representatives.

The events involving Libya have placed great demands on the intelligence community for information on the intentions, capabilities and activities of Kadafi's regime. Intelligence agencies have been given the task of anticipating the response of that regime, as well as that of other governments in the region, to U.S. actions.

This is a typically daunting agenda. Clearly intelligence has become a central factor in the formulation and conduct of U.S. foreign policy. America needs, and has, the finest intelligence capability in the world. Congressional oversight, properly performed, can assure that this capability is maintained and that it is exercised in a manner consistent with democratic values.

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